



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Kirk Adams  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2206: psychologist examiners board; omnibus

Dear Speaker Adams:

Today I signed House Bill 2206, which would require parties having complaints against family court-appointed psychologists for evaluation, *treatment or psychoeducation*, to first file the complaints with the Court and not the Board of Psychologist Examiners (Board). If the Court determines a "substantial basis" exists for the complaint, the Court may refer the complaint to the Board.

I am concerned that expanding those areas in which parties complaints against psychologists will first be heard by a Court instead of the regulatory board will increase the cost in time and money to the judiciary and to parties involved in family court cases. The Psychology Board is eminently qualified to determine complaints of standard of care and unprofessional behavior filed by members of the public.

I have been assured by Representative Barto that my concerns will be addressed next session. With this understanding, I have signed House Bill 2206.

Sincerely,

Janice K. Brewer  
Governor

cc: The Honorable Robert Burns  
The Honorable Nancy Barto  
The Honorable David Bradley  
The Honorable Ken Bennett



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July 13, 2009

The Honorable Kirk Adams  
Speaker of the House  
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Phoenix, Arizona 85007

Re: House Bill 2207; behavior analysts

Dear Speaker Adams:

Today I signed House Bill 2207, relating to the licensure of behavioral analysts. I did so despite language in the bill that is the basis of my concerns in House Bill 2206.

While the same clause appears in House Bill 2207, few behavior analysts are appointed for court-ordered evaluations, treatment, or psychoeducation. Further, because behavior analyst services for autistic children is now recognized treatment, licensure is necessary for reimbursement.

I have been assured by Representative Barto that my concerns will be addressed next session. With this understanding, I have signed House Bill 2207.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer  
Governor

cc: The Honorable Robert Burns  
The Honorable Nancy Barto  
The Honorable David Bradley  
The Honorable Ken Bennett



STATE OF ARIZONA

July 10, 2009

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

The Honorable Robert Burns  
President of the Senate  
Arizona State Senate  
1700 W. Washington  
Phoenix, Arizona 85007

RE: Senate Bill 1091: Secretary of State; Elections; Filing

Dear President Burns:

Today I signed Senate Bill 1091. This bill contains improvements to our state election laws, many of which I advocated for as Secretary of State. I am, however, very concerned about Section 16 of this bill, which contains vague language allowing the Secretary of State to reject filings based on a "reasonable belief" that the filing is unlawful, illegitimate, false, fraudulent, or is being submitted in bad faith or for the purpose of harassing or defrauding a person or entity.

This provision fails to define what constitutes a reasonable belief and provides no clear process or remedy in the event that the Secretary of State refuses a filing on this basis. Moreover, as written, this provision would allow the Secretary of State to reject election filings, including candidate and initiative petitions, based on a similar belief. This raises serious constitutional and policy concerns. Secretary of State Ken Bennett has assured me that he will seek legislation to address these concerns.

Given the overall improvements to the election process, I am signing Senate Bill 1091 into law with the understanding that my concerns regarding Section 16 will be addressed during the next legislative session.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".  
Janice K. Brewer  
Governor

JKB/jk

cc: The Honorable Kirk Adams  
The Honorable Jonathan Paton  
The Honorable Ken Bennett



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

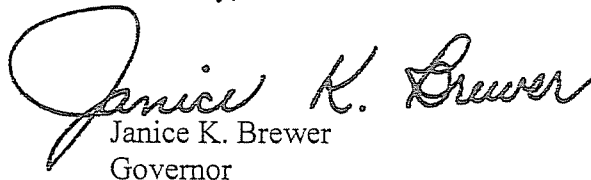
The Honorable Bob Burns  
President  
Arizona State Senate  
1700 W. Washington  
Phoenix, Arizona 85007

Dear President Burns,

Today, I signed Senate Bill 1169 which establishes the Capitol Police Administrative Towing Fund and provides that administrative charges collected must be deposited into the fund. The bill also prohibits administrative charges relating to vehicle immobilization or impoundment from being assessed to a towing company that performs removal, immobilization, impoundment, storage or release of a vehicle. The bill contains a retroactive date from and after December 31, 2007.

Cities have informed me that the prohibition of charges to towing companies is in conflict with municipal and towing company contracts. The retroactivity clause also poses a concern for contracts that have been established since 2007. The sponsor assures me that this language was not meant to interfere with contracts established between cities and towing companies. I urge the cities to work with the sponsor for further clarification as soon as possible.

Sincerely,

  
Janice K. Brewer  
Governor

Cc: The Honorable Kirk Adams  
The Honorable Russell Pearce



STATE OF ARIZONA

July 13, 2009

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

The Honorable Robert Burns  
President of the Senate  
Arizona State Senate  
1700 W. Washington  
Phoenix, Arizona 85007

RE: Senate Bill 1209: Children; Foster Care; Rights

Dear President Burns:

Today I signed Senate Bill 1209. This bill enumerates important rights for children in foster care and expressly notes that no cause of action is established on behalf of any person. I am very concerned that this bill does not adequately assure that no new legally enforceable right is established for or on behalf of any person, including a child, parent or guardian.

While these rights are critical for children and parents, oversight must remain with the Arizona Legislature and not the courts. I am signing this bill only with the assurance the Legislature will clarify this bill next session to specify that no new legally enforceable right or cause of action is established for a foster child, anyone acting on behalf of a foster child, or a parent or guardian.

Given the importance of establishing a bill of rights for children in foster care, I am signing Senate Bill 1209 into law with the understanding that my concerns will be addressed during the next legislative session.

Sincerely,

Janice K. Brewer  
Governor

JKB/jk

cc: The Honorable Kirk Adams  
The Honorable Leah Landrum Taylor  
The Honorable Linda Lopez  
The Honorable Richard Miranda  
The Honorable Rebecca Rios



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EXECUTIVE OFFICE

July 13, 2009

The Honorable Robert Burns  
President  
Arizona State Senate  
1700 West Washington  
Phoenix, Arizona 85007

Re: Senate Bill 1246: CPS information

Dear President Burns:

Today I signed into law SB 1246, relating to open court proceedings. I share the sponsor's belief that our child welfare system should be as open and public as possible, while ensuring the protection and well-being of children affected by the proceedings.

The bill contains what I believe is likely a drafting error at the bottom of page one, which eliminates the ability of a person to request the reopening of closed proceedings related to dependent children, permanent guardianship and termination of parental rights. Given Senator Paton's efforts on transparency over the years, I have no doubt that this was unintentional.

I look forward to working with the legislature over the next year to return this provision to current law.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer  
Governor

cc: The Honorable Kirk Adams  
The Honorable Jonathan Paton  
The Honorable Ken Bennett



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The Honorable Robert Burns  
President of the Senate  
Arizona State Senate  
1700 W. Washington  
Phoenix, Arizona 85007

RE: Senate Bill 1314 (NOW: custodial and janitorial services; transfer)

Dear President Burns:

Today I signed Senate Bill 1314. This measure requires the Arizona Department of Administration (ADOA) to transfer monies received from budget units for custodial services back to those budget units on a proportional basis by square footage for the purpose of hiring current or former state employees to provide custodial services.

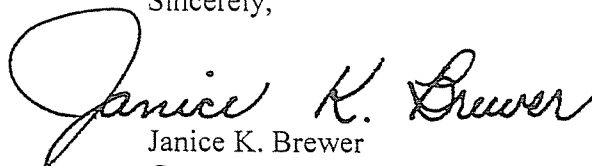
I am concerned about the administrative difficulties of implementing the bill, as well as the potential negative impacts on the ADOA budget and existing vendor contracts. Specifically, the approach taken in Senate Bill 1314 includes the following deficiencies/challenges:

- the lack of a mechanism to pool monies under ADOA to assist agencies that cannot, on their own, afford custodial services, or that do not wish to have separate contracts, even after receiving monies back from ADOA; and
- the absence of an option to select a private vendor solution

The need to pool monies is particularly critical since there are fewer funds available to pay for custodial services. I believe it is important to avoid raising expectations of agencies and former staff regarding what is possible after accounting for budget reductions.

I have seriously considered vetoing this legislation since it seeks to undo one of the many painful steps taken following the FY09 budget cutting process. I have opted to work with the sponsor because of the narrowness of the request and his willingness and commitment to work toward a solution that can be implemented efficiently and effectively.

Sincerely,

  
Janice K. Brewer  
Governor

cc: The Honorable Kirk Adams  
The Honorable Thayer Verschoor  
The Honorable Ken Bennett



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

July 10, 2009

The Honorable Bob Burns  
President  
Arizona State Senate  
1700W. Washington  
Phoenix, Arizona 85007

Re: SB 1403; renewable, high-wage industries incentives

Dear President Burns,

I believe in this current time of economic stress and with national efforts to spur the development of renewable energy production, Arizona finds itself in a great position to welcome the industries that build the equipment and technology that are necessary for the development of renewable energy resources. These types of companies have the potential to bring higher than average wage jobs to the state and provide desperately needed economic benefits. However, it is a simple economic fact that in order to lure these renewable energy industries to Arizona, we are in competition with our neighboring states.

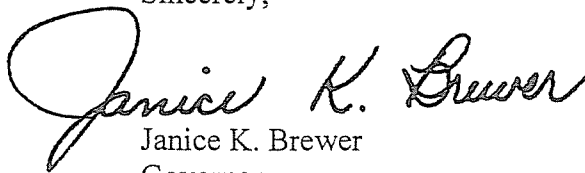
SB 1403 was an attempt by the Legislature to provide economic incentives to manufacturers of renewable energy equipment in an effort to get them to locate their facilities or corporate headquarters in this state. The bill provides for lower property taxes and refundable tax credits for companies that create higher wage jobs in this state. The Legislature saw fit to put limits on the amount of tax credits that could be awarded, which is prudent given the fact that these credits could be a drain on General Fund.

Probably due to the hurried, stop and go nature of the Legislative Session this year, however, it is my belief that a number of necessary amendments to the legislation were not offered and adopted. There are issues regarding implementation of this program by a budget ravaged Department of Commerce that need serious thought. There are issues regarding the interpretation of ill-defined terms in the bill, there are terms in the bill that are not defined, and there are conflicting requirements and formulas found in the bill. I also remain concerned that the tax credits are refundable. While I believe in meaningful incentives, it is important that the program and the State realize the economic gains the legislation promises.



A key component of my Five Point Plan is tax reform to encourage economic development. For those reasons, I have elected to sign SB 1403 strongly urging the Legislature to revisit this legislation and make the necessary repairs to strengthen this package into a clear, defined, manageable economic development tool which will lure high paying, long term industries to our State.

Sincerely,



Janice K. Brewer  
Governor

cc: The Honorable Kirk Adams  
The Honorable Barbara Leff  
The Honorable Lucy Mason  
The Honorable Michele Reagan  
The Honorable Ken Bennett